

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 288 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RAJANIKANT NAGINDAS

Versus

RATILAL RAMJIBHAI PATEL

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Appearance:

MR RN SHAH for Petitioners  
SERVED BY AFFIXING for Respondent No. 2  
UNSERVED for Respondent No. 4  
MR SB VAKIL for Respondent No. 5

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CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 03/10/96

ORAL JUDGEMENT

This Appeal From Order arises out of the judgment dated 23rd September 1986, passed by the learned Chamber Judge, Court No.10 of Ahmedabad City Civil Court, refusing the injunction sought by the appellants herein, in Civil Suit No.325 of 1983. The plaintiffs instituted the aforesaid Civil Suit No. 325 of 1983 in the

Ahmedabad City Civil Court, alleging that the deceased Ratilal Ramjibhai Patel ( now represented through his legal heir Kaushikbhai Ratilal Patel) and father of the respondents nos. 2 to 4, one Pranlal Thakor had entered into an agreement for sale of the suit property with one Ramanlal Maneklal by executing an agreement of sale in favour of the said Ramanlal Maneklal. In fact, the said agreement was in favour of three parties, i.e. the petitioners nos. 1 to 4 on one side and the deceased Ratilal Ramjibhai on the other side. The plaintiff no.5 was the third party of the said agreement. The plaintiffs-appellants had filed the suit against the defendants only for seeking prohibitory orders, but subsequently, the suit was amended and the plaintiffs sought specific performance of the contract.

2. By application ex.29 in the said suit, the plaintiffs sought ad-interim injunction restraining the defendant no.5 Manilal Estate Owners Association, from making any construction or transferring or alienating the suit property in any manner. The learned Judge, having heard the parties, and on examination of the documentary evidence on record, came to conclusion that it was not necessary to restrain the plaintiff no.5 from alienating the suit property and no interim injunction on the suit property was granted as prayed for. The Notice of Motion was thus ordered to be disposed off and the amendment application was also disposed off. It is against this order, this Appeal From Order is preferred.

3. I have heard the learned advocates appearing for both the sides. It is stated at the Bar that the construction has been completed on the suit land. The Appeal has thus become infructuous. Therefore, there is no question of granting any injunction at this stage. The Appeal is therefore, liable to be dismissed.

4. The suit is of 1983. The Trial Court is therefore directed to dispose off the suit as expeditiously as possible.

5. In the result, the Appeal fails and is therefore, dismissed with no orders as to cost.